

HEATHER E. WILLIAMS, #122664  
Federal Defender  
DOUGLAS J. BEEVERS, #288639  
Assistant Federal Defender  
801 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Tel: 916-498-5700/Fax 916-498-5710  
douglas\_beevers@fd.org

Attorney for Defendant  
HOPELYN AUSK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 2:20-CR-00204-JAM
	)	
Plaintiff,	)	MOTION TO EXPAND FEDERAL PUBLIC
	)	DEFENDER APPOINTMENT TO INCLUDE
vs.	)	FORFEITURE PROCEEDINGS
	)	
HOPELYN AUSK,	)	Date: November 24, 2020
	)	Time: 9:30 a.m.
Defendant.	)	Judge: Hon. John A. Mendez
	)	
	)	

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Pursuant to 18 U.S.C. § 3006A, the Office of the Federal Defender was appointed by the duty magistrate to represent the defendant, HOPELYN AUSK, at her initial appearance. Counsel undersigned has represented Ms. Ausk since that time.

The Office of the Federal public Defender has received Notices of Forfeiture Proceedings from the Department of Justice USPIS in 20-USP-002436, 20-USP-002437, and 20-USP-002438 involving a seizure of \$140,000 total. This notice of administrative seizure appears to be the same incident as instant case 2:20-CR00204-JAM, in which that amount of currency was apparently found during the execution of the search warrant at Ms. Ausk's residence. This money appears to be the same funds which the United States seeks to forfeit by criminal forfeiture in the indictment in instant case.

1 18 U.S.C. §3006A(c) states that appointed counsel’s representation should continue  
 2 through every stage of the proceeding “including ancillary matters appropriate to the  
 3 proceedings”. 18 U.S.C. § 983(b)(1)(A) states:

4  
 5 If a person with standing to contest the forfeiture of property in a judicial civil  
 6 forfeiture proceeding under a civil forfeiture statute is financially unable to obtain  
 7 representation by counsel, and the person is represented by counsel appointed  
 8 under section 3006A of this title [18 U.S.C. § 3006A] in connection with a related  
 criminal case, the court may authorize counsel to represent that person with  
 respect to the claim.

9 18 U.S.C. §3006A. The seizures in this case clearly involve alleged proceeds from instant  
 10 criminal case. Since Ms. Ausk was working there is a signifant chance that at least some of the  
 11 money is not subject to forfeiture. Since any statements Ms. Ausk makes in her filing  
 12 administrative claims will be admissibile in his criminal case, Defense counsel is obligated to  
 13 discuss the pending adminstrative claim. The administrative claim is being filed, and Mr. Ausk  
 14 asks this Court to authorize the Federal Defender Office to represent her in any administrative or  
 15 civil forfeiture proceedings related to this case, specifically including the above seizures.

16 Expanded appointment will not be a burden on the Federal Public Defenders, because  
 17 Defense counsel has previously worked in civil litigation for two years in private practice, and  
 18 has represented prior clients in several ancillary cases in this district. In particular, Defense  
 19 counsel represented Lee Loomis in his ancillary civil case *S.E.C. v. Loomis*, 2:10-CV-0458- KJM  
 20 from April 1, 2013 until final judgment after summary judgment on May 12, 2015.

21 Ms. Ausk requested this motion be handled on an expedited basis, because her deadline  
 22 to file responses is December 8, 2020 and she is unable to file electronically under the CARES  
 23 Act unless counsel is formally appointed.

24 Dated: November 19, 2020

Respectfully submitted,  
 HEATHER E. WILLIAMS  
 Federal Defender

/s/ Douglas J. Beevers  
 DOUGLAS J. BEEVERS  
 Assistant Federal Defender  
 Attorney for Defendant

ORDER

IT IS HEREBY ORDERED, the Court, having received, read, and considered the motion parties' stipulation, and good cause appearing therefore, the Court orders that the Federal Public Defender is appointed to represent HOPELYN AUSK in the forfeiture proceedings designated as 20-USP-002436, 20-USP-2437, 20-USP-002438.

DATED: November 20, 2020

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE